

### **REMARKS**

A final Office Action was mailed on January 9, 2003. A Response to Office Action and Notice of Appeal, with proper petition for extension of time, were mailed on June 9, 2003. The present Amendment accompanies a Request for Continued Examination, mailed on August 9, 2003.

Claims 1 – 6, 8 – 14 and 16 – 56 are pending in the present application. Applicants amend claims 1, 9, 16 and 22 to make minor grammatical corrections. No new matter is added.

### **REJECTIONS UNDER 35 U.S.C. § 103**

Claims 1 – 6, 8 – 14 and 16 – 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,764,736 to Shachar et al. in view of U.S. Patent No. 5,919,247 to Van Hoff et al. and U.S. Patent No. 4,995,074 to Goldman et al. Claims 29 – 56 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shachar in view of Goldman. Applicants respectfully traverse these rejections.

Applicants disclose a communication system permitting data and voice communications between a server and a terminal over a single communications line, such that a voice call can be made between the terminal and a third party after initiating a data communications session and without terminating the data communications session. This ability to maintain the data communications session during the voice call is facilitated by

temporary line disconnection units present in each of the server and the terminal, which mediate the disconnection and reassignment of the communication line to the voice call without issuing any disconnection notifications to upper layer applications each of the server and terminal. As a result, the upper layer applications in each of the server and the terminal remain in while waiting for data communications to resume.

In particular, for example, by Applicants' independent claims 1, 9, 16 and 22, the communication system and associated method provide for automatically fetching and storing in the terminal data associated with a data application in the server, so the upper layer application in the terminal may continue to operate during disconnection of data communications and the automatically-fetched data may continue to be displayed by the terminal during voice communications, so that "virtual" data communications may proceed during voice communications.

Shachar discloses a method for manipulating voice and data connections between a data communication session and voice communication. In the event that a voice communication is requested during a data communication session, the method provides a means for storing information about the data communication session. Van Hoff discloses a system for distributing application code and data from a server to a client. A "tuner" application is used by the client to automatically request code and data updates to be delivered by a "transmitter" in the server. As acknowledged by the Examiner, neither Shachar nor Van Hoff teach or suggest Applicants' claimed temporary line disconnection unit provided in each of the terminal and server for disconnecting a data communications line without issuing disconnection notifications to upper layer applications of the terminal and server. The Examiner suggests that this limitation however is taught by Goldman.

Goldman discloses a switched line modem interface system that comprises a user terminal interface 28 and a host interface 34 that support suspension of a data communication session when the user proceeds to make a voice call. The interfaces 28, 34 support suspension of the data communication session by causing modem carrier signals to be maintained, by providing a "host not ready" signal to a user terminal 14 and by dropping a "terminal ready" signal to host 16. Thus, in sharp contrast to Applicants' claimed system, Goldman does not enable resumption of data communications by simply disconnecting the line used for data communication without providing disconnection notification to upper-level applications, but rather actively and continuously provides disconnection notice to the terminal in the form of a "host not ready" signal to the host by dropping the "terminal ready" signal.

In light of the arguments presented above, Applicants' respectfully submit that their invention as claimed in independent claims 1, 9, 16, 22, 29, 37, 44 and 50 is not made obvious by any combination of Shachar, van Hoff and Goldman, and therefore stands in condition for allowance. As claims 2 - 6, 8, 10 - 14, 17 - 21, 23 - 28, 30 - 36, 38 - 43, 45 - 40 and 51 - 56 each depend from one of allowable claims 1, 9, 16, 22, 29, 37, 44 and 50, Applicants respectfully submit that claims 2 - 6, 8, 10 - 14, 17 - 21, 23 - 28, 30 - 36, 38 - 43, 45 - 40 and 51 - 56 are allowable for at least this reason.


### CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1 - 6, 8 - 14, and 16 - 56, consisting of independent claims 1, 9, 16, 22, 29, 37, 44 and 50, and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should

consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

We respectfully request that all fees relating to this application be charged to Deposit Acct. No. 50-1290.

Respectfully submitted,



Thomas J. Bean  
Reg. No. 44,528

**CUSTOMER NUMBER 026304**

KATTEN MUCHIN ZAVIS ROSENMAN  
575 MADISON AVENUE  
NEW YORK, NEW YORK 10022-2585  
PHONE: (212) 940-8800/FAX: (212) 940-8776  
DOCKET No.: FUJO 14.691 (100794-10585)